

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2021 JUL 12 AM 9:47

CLERK'S OFFICE
AT GREENBELT

NATHANIEL HICKS

*

Plaintiff,

*

v.

*

Case No. 16-2521-PWG

GERALD FERREYRA, *et al.*,

*

Defendants.

*

* * * * *

SPECIAL VERDICT FORM

PART ONE

I. Questions as to Defendant Officer Ferreyra

- (A) Do you find by a preponderance of evidence that Defendant Officer Ferreyra acted under color of law to violate Plaintiff Agent Hicks's constitutional rights under the Fourth Amendment during the first encounter with Agent Hicks?

☒ YES ☐ NO

If NO, continue to Sub-section II regarding Defendant Officer Phillips, and do not answer any further questions in this sub-section.

If YES, answer the remaining questions in Sub-section I as to Officer Ferreyra, beginning with question I (B).

- (B) Do you find by a preponderance of evidence that Officer Ferreyra's violation of Agent Hicks constitutional rights under the 4th Amendment caused Agent Hicks to suffer compensatory damages that you were able to calculate for physical and/or emotional injury?

☒ YES ☐ NO

If you answered NO, continue to question I (C).

If you answered YES, what amount, if any, do you award Agent Hicks in compensatory damages against Officer Ferreyra?

\$ 80,000

Continue to question I (C).

- (C) If you answered YES to I (A), but NO to I (B), then in what amount do you award Agent Hicks nominal damages?

\$ —

Continue to question I (D).

- (D) Do you find by a preponderance of evidence that Officer Ferreyra acted with malice or reckless indifference to Agent Hicks's federally protected 4th Amendment rights and that punitive damages should be awarded against Officer Ferreyra?

✓ YES — NO

If you answered NO, continue to Sub-section II and answer the questions in Sub-section II as to Officer Phillips.

If you answered YES, what amount, if any, do you award Agent Hicks in punitive damages against Officer Ferreyra?

\$ 225,000

Continue to Sub-section II.

II. Questions as to Defendant Officer Phillips

- (A) Do you find by a preponderance of evidence that Defendant Officer Phillips acted under color of law to violate Plaintiff Agent Hicks's constitutional rights under the 4th Amendment during the **first encounter** with Agent Hicks?

✓ YES _____ NO

Continue to question II (B).

- (B) Do you find by a preponderance of evidence that Defendant Officer Phillips acted under color of law to violate Agent Hicks's 4th Amendment constitutional rights when he stopped Agent Hicks during the **second encounter**?

✓ YES _____ NO

If you answered NO to BOTH questions II (A) and II (B), do not answer any further questions in this sub-section as to Officer Phillips. If you answered YES to question I (A), go to PART TWO. But, if you also answered NO to question I (A) as to Officer Ferreyra, answer no further questions. Please date and sign the verdict sheet and inform the Court Security Officer that you have a verdict.

If you answered YES to EITHER question II (A) and/or II (B), continue to question II (C).

- (C) Do you find by a preponderance of evidence that Officer Phillips's violation of Agent Hicks 4th Amendment constitutional rights during EITHER the first encounter or second encounter caused Agent Hicks to suffer compensatory damages that you were able to calculate for physical and/or emotional injury?

✓ YES _____ NO

If you answered NO to question II (C), continue to question II (D).

If you answered YES to question II (C), what amount, if any, do you award Agent Hicks in compensatory damages against Officer Phillips?

\$ 125,000

Continue to question II (D).

- (D) If you answered YES to II (A) or II (B), but NO to II (C), then in what amount do you award Agent Hicks nominal damages?

\$ —

Continue to question II (E).

- (E) Do you find by preponderance of evidence that Officer Phillips acted with malice or reckless indifference to Agent Hicks's federally protected rights and that punitive damages should be awarded against Officer Phillips?

☒ YES ☐ NO

If you answered NO to question II (E), do not answer any further questions in this sub-section. Please go to PART TWO.

If you answered YES to question II (E), what amount if any, do you award Agent Hicks in punitive damages against Officer Phillips?

\$ 300,000

Continue to PART TWO.

PART TWO

SPECIAL INTERROGATORIES

Do you find by a preponderance of evidence:

1. That Agent Hicks appeared to be asleep to Officer Ferreyra when Officer Ferreyra first approached the front passenger side of the 2014 Chevrolet Impala?
☒ YES ☐ NO
2. That it appeared to Officer Ferreyra that Agent Hicks reached for the gun on the front passenger seat of the 2014 Chevrolet Impala in response to Officer Ferreyra knocking on the front passenger window?
☐ YES ☒ NO
3. That Officer Ferreyra knew that Agent Hicks was a Secret Service Agent once he properly verified his credentials?
☒ YES ☐ NO
4. That Officer Ferreyra followed a customary practice within U.S. Park Police when he requested a supervisor's presence on the scene?
☐ YES ☒ NO
5. That Officer Phillips left the scene of the first encounter before Agent Hicks?
☒ YES ☐ NO
6. That the totality of Officers Ferreyra and Phillips' actions were reasonably necessary at the scene of the first encounter?
☐ YES ☒ NO
7. That after leaving the scene of the first encounter, Officer Phillips observed a motorist driving erratically and talking on his mobile phone as he traveled northbound on I-295?
☐ YES ☒ NO
8. That Officer Phillips realized it was Agent Hicks driving the vehicle prior to pulling the vehicle over?
☒ YES ☐ NO

9. That Officer Phillips realized it was Agent Hicks driving the vehicle prior to demanding Agent Hicks's license?

✓ YES _____ NO

Please date and sign the verdict sheet and inform the Court Security Officer that you have a verdict.

The foregoing represents our unanimous verdict.

Date 7/9/2021

SIGNATURE REDACTED

Foreperson